

## Notice of Allowability

Application No.

09/943,829

Examiner

Kenneth Tang

Applicant(s)

DITLOW ET AL.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief on 2/15/07.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 12-16, and 18-20; now renumbered as 1-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6/27/07.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

  
**MENG-AL T. AN**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick E. Cooperrider (Reg. No. 36,769) on 6/27/06.

The application has been amended as follows:

In the claims:

1. (Currently Amended) A computer-implemented method determining a listing of hosts on a network to perform a parallel application, said method comprising:

determining a listing of all possible hosts on said network for performing said parallel application;

determining, for each of said possible hosts, a current capacity and a current utilization;

calculating, for each of said possible hosts, a difference between said current capacity and said current utilization; and

selecting from said listing of all possible hosts a listing of hosts based on sorting said calculated differences,

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wherein said selecting a listing of hosts from said listing of all possible hosts further comprises a quantification of a history of each said possible host and a consideration of said history in said selecting of a listing.

5. (Canceled)

7. (Currently Amended) A [signal-bearing] computer readable storage medium [tangibly] embodying a program of machine-readable instructions executable by a digital processing apparatus to determine a listing of hosts on a network to perform a parallel application, said machine-readable instructions comprising:

determining a listing of all possible hosts on said network for performing said parallel application;

determining, for each of said possible hosts, a current capacity and a current utilization;

calculating, for each of said possible hosts, a difference between said current capacity and said current utilization; and

selecting from said listing of all possible hosts a listing of hosts based on sorting said calculated differences,

wherein said selecting a listing of hosts from said listing of all possible hosts further comprises a quantification of a history of each said possible host and a consideration of said history in said selecting of a listing.

11. (Canceled)

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13. (Currently Amended) A computer network having a plurality of computation resources and an operating system for executing a target parallel application process using at least a subset of said plurality of computation resources, wherein said network includes a method to determine a listing of said computation resources to perform said target parallel application process, said method comprising:

determining a listing of all possible said computation resources on said network for performing said parallel application;

determining, for each of said possible computation resources, a current capacity and a current utilization;

calculating, for each of said possible computation resources, a difference between said current capacity and said current utilization; and

selecting from said listing of all possible computation resources a listing of computation resources based on sorting said calculated differences as said at least a subset of said plurality of computation resources to execute said target parallel application process,

wherein said selecting a listing of hosts from said listing of all possible hosts further comprises a quantification of a history of each said possible host and a consideration of said history in said selecting of a listing.

17. (Canceled)

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19. (Currently Amended) A computer network having a plurality of computation resources and an operating system for executing a target parallel application process using at least a subset of said plurality of computation resources, wherein said network includes a method to determine a listing of said computation resources to perform said target parallel application process, said method comprising:

means for determining a listing of all possible said computation resources on said network for performing said parallel application;

means for determining, for each of said possible computation resources, a current capacity and a current utilization;

means for calculating, for each of said possible computation resources, a difference between said current capacity and said current utilization; and

means for selecting from said listing of all possible computation resources a listing of computation resources based on sorting said calculated differences to be said at least a subset of said computation resources for executing said target parallel application process,

wherein said selecting a listing of hosts from said listing of all possible hosts further comprises a quantification of a history of each said possible host and a consideration of said history in said selecting of a listing.

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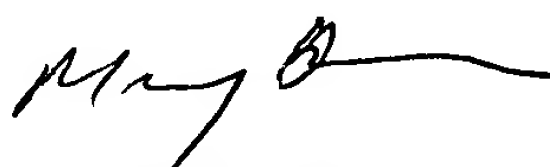
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kt  
6/28/07

  
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